

2011 - 02 SITE PLAN ORDINANCE

19.10 SITE PLAN ORDINANCE

19.10.1 Purpose and Intent

The purpose of this ordinance is to establish rules, regulations, standards, and procedures for the review and approval of a site plan that would involve an increase in the footprint of an existing cottage or expansion of the number of cottages, or conversion of cottages into condominium units, a new or expanded multi-tenant building, business, or industrial use, in order to:

- a. Provide for safe, efficient vehicular and pedestrian circulation
- b. Provide for screening, landscaping, signage, and lighting
- c. Ensure efficient, safe, and attractive land development
- d. Provide for compliance with minimum design standards to ensure proper building arrangements and minimal adverse effect on adjacent properties
- e. Develop proper safeguards to minimize the impact on the environment
- f. Insure the provision of an adequate water supply, drainage, and storm water management, sanitary facilities, and other utilities and services
- g. Implement the recommendations of the Town of Wescott Comprehensive Plan

19.10.2 Definitions

- a. **Business** means any lawful use, occupation, employment or enterprise where merchandise is exhibited or sold or where services are offered for compensation.
- b. **Condominium** means a building or group of buildings in which dwelling units, offices or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. If a Condominium is being reviewed as a Site Plan under this ordinance, approval of said Site Plan is contingent upon:
 - (1) The Town of Wescott's approval of a preliminary Condominium plat.
 - (2) Any applicable uses under this ordinance that are within the Shawano County Shoreland Zoning authority must be reviewed and approved by Shawano County and will become a condition of the site plan review process.

Note: Shawano County Recorder of Deeds shall be notified that a Site Plan review is required by the Town of Wescott before a Condominium Declaration and/or plat is recorded.
- c. **Cottage** means a group of dwellings on the same parcel available to the public for rent. All cottages must meet state, county and sanitary district requirements relating to water supply and wastewater treatment.
- d. **Multi-Family** means any building with three or more dwelling units that are available to the public for rent.
- e. **Site Plan** means an overhead plan for a land or building development proposal, drawn to scale, that shows existing and proposed buildings, other structures, parking areas, and other existing and proposed features as may be specified in this Site Plan Ordinance.

19.10.3 Applicability

- a. A site plan application will be required for the following:

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1. The conversion of multi-family or cottage dwelling units into condominium ownership
2. The expansion of an existing or construction of a business or industrial land use (see Table 1) in the Agricultural/Woodlands/Open Space, Business or Industrial zoning districts.

19.10.4 Procedure and Administration

- a. **Pre-Submittal Meeting.** Prior to the submittal of a site plan, the developer shall meet with the Zoning Administrator to discuss zoning district, site plan, timelines, and other Town requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Town.
- b. **Plan Commission Input.** A petitioner may request a preliminary meeting with the Plan Commission (at no fee) to seek preliminary input and thoughts from the Commission regarding the possibilities for a successful petition.
- c. **Scope of Review.** The Zoning Administrator, when evaluating a site plan, will consider the following aspects, based on its complexity, size, scope and impact to the surrounding property owners:
 1. The relationship of the site plan to the adopted Comprehensive Plan and policies.
 2. Parking layout so as to:
 - (a) Minimize dangerous traffic movements
 - (b) Achieve efficient traffic flow
 - (c) Provide for the optimum number of parking spaces, while maintaining Town design standards
 - (d) Provide for pedestrian safety
 3. Provisions for surface and subsurface drainage and for connections to water and sewer lines, so as not to overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjacent or surrounding properties.
 4. Landscaping, so as to:
 - (a) Maintain existing mature trees and shrubs when designing the development or redevelopment of the site, construction and after construction
 - (b) Buffer adjacent incompatible uses
 - (c) Screen unsightly activities from public view
 - (d) Break up large expanses of asphalt and buildings with plant material
 - (e) Provide an aesthetically pleasing landscaping design
 - (f) Location of principal structures, accessory structures, lighting, freestanding signs, refuse containers, mechanical equipment, etc. so that their location and proportion does not impede safe and efficient traffic flow or adversely impact the development of adjacent property or the character of the surrounding neighborhood

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- (g) All electrical, telephone and cable lines shall be placed underground whenever practical
- d. **Application for Site Plan Review.** An application shall be made on Town forms provided by the Town Clerk, and shall be fully, accurately and legibly completed, with submission of one (1) plan drawn to an engineering scale no greater than one (1) inch equals forty (40) feet, plus ten (10) copies of a complete set of legible plans reduced in size to eleven (11) inches by seventeen (17) inches. The petitioner shall file said application with the Town Clerk, who will then establish a meeting date for the Plan Commission to review the application.

19.10.5 Application Requirements

- a. **Fee.** Payment of a fee shall be submitted with the application. The amount of the fee is on record in the Town Clerk's office.
- b. **Written Application.** Every applicant for a site plan review shall complete an application form, with supplementary attachments, if necessary, containing the following information:
 - 1. Name, address, and phone number of the owner and architect or engineer
 - 2. Date of the application
 - 3. Identification of the property in question by street address and by parcel number. If there is no street address, the applicant shall provide a description of the location of the property in relation to surrounding streets and properties
 - 4. Description of the nature of the proposed development or redevelopment, and the proposed land use(s), including accessory uses
 - 5. If applicable, a copy of the condominium declaration
- c. **Site Plan Requirements.** The information required for site plan review will depend on the complexity, size, scope, and impact to surrounding property owners. At or following the Pre-Submittal meeting, the Town will inform the applicant which items listed in this section will be required, and if there is any additional information needed to fully understand the impact a project may have in a given location in the community.
 - 1. Name of project/development
 - 2. Location of project/development by street address and/or tax parcel number
 - 3. Adjacent street names and street rights-of-way width(s) and recorded property lines and their dimensions
 - 4. North arrow and scale
 - 5. All locations of the existing structures that will be converted to a condominium or enlargement of existing structures and their relationship to surrounding principal or accessory structures, including the use of each structure, their dimensions and their locations on the parcel
 - 6. Closest boundary line of the property and dimensions of the setback from said property line to the existence of a condominium conversion or expansion of an existing structure. Minimum setbacks based on the

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- Zoning District would need to be met. If setbacks cannot be met, the applicant would need to apply for a variance before the Board of Appeals.
7. Identify all exterior lighting fixtures, if any, mounted on the building along with the light dispersion pattern. The Town has the option of requiring a cut-off shielded light fixture that reflects light downward and does not disperse into adjacent properties.
 8. One (1) foot contours on the subject property and extending from the subject property a minimum distance of 25 feet in all directions.
 9. Storm water ponds, drainage ditches, water bodies, wetlands, and floodplains
 10. The location of proposed and existing signage and the location and type of all proposed and existing exterior lighting fixtures
 11. Existing and proposed driveways and parking lots including pavement markings to show traffic flow; parking stall sizes and layout, a note on the plan to show calculations for parking and loading requirements; handicap stalls and ramps; loading zones; driveway widths and radii or flares on driveway aprons to public streets.
 12. For drive-through uses, show vehicle stacking spaces and pedestrian access to entry doors that do not cross drive-through lanes.
 13. Identify snow storage areas located outside of setbacks, required parking areas, and vision clearance triangles.
 14. The location and extent of all existing and proposed outdoor storage and outdoor display.
 15. The location and detail of refuse containers and their enclosures, existing and proposed sidewalks with grade elevations and handicap access at driveways, bicycle storage racks, traffic control dividers, tree islands and other similar improvements.
 16. If located in a Sanitary District that provides public water, show on-site fire hydrants, Fire Department hose connections, and the respective flow calculations to meet the International Fire Code for installed fire protection systems.
 17. When abutting a site plan project, any public or private street shall be identified with the location of driveways on opposite street frontages.
 18. List all existing and proposed grades for first floor elevations. If available, locate and label underground or overhead utility lines (existing or proposed), easements, sanitary sewer (manholes, laterals and clean outs), storm sewer (manholes, laterals and catch basins), water (laterals, fire lines, valves and meters), fire hydrants, gas, telephone, cable and electric lines. If existing utilities are to be abandoned, clearly state the method of abandonment.
 19. Provide cross-sections for all pavement and identify depth of base gravel base and thickness of hard-surfaced pavement (concrete or asphalt compacted).
 20. Parking or wheel blocks shall be installed if appropriate clearance for vehicle overhang is not provided.
 21. Identify streams, wetlands, channels, ditches and other watercourses on the site and on adjacent properties.
 22. If in the Floodplain, identify the flood fringe, floodway and flood storage areas.

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23. Location of all mechanical equipment and the manner in which it will be enclosed or screened. Rooftop equipment must be integrated into the design of the structure, enclosed, or screened from ground-level view to the extent practicable.
24. Loading docks and areas should be located on the side or rear of the building(s)
25. An industrial or business parcel abutting a residential district shall provide a suitable buffer of plant materials, fencing or both, to shield the residential area from the business or industrial area. Where the transition from business or industrial to residential is a public street, the front yard of an industrial district use shall be substantially landscaped, as determined by the Plan Commission and Town Board.
26. If abutting an existing owner-occupied residence, a petitioner who desires to build a new cottage or convert a residential home to a cottage shall provide a buffer in the form of a solid wood fence at least 6 feet in height for the length of the abutting property except for the front setback from a private or public street, where the fence shall be no higher than 3 feet.

19.10.6 Review by the Plan Commission

- a. The Plan Commission, in its consideration of the submitted complete application, shall take into account the purpose and intent of this ordinance and criteria for review. The Plan Commission, in reviewing the application, may require such additional measures and/or modifications as it deems necessary to accomplish these objectives.
- b. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of a site plan until a revision depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may conditionally approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of Town Administrator.
- c. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- d. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.
- e. At the discretion of the Plan Commission, neighbors abutting a project that requires site plan review could be notified of an upcoming Plan Commission meeting.

19.10.7 Modification of an Approved Site Plan

Any substantial variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Ordinance. An approved site plan shall be revised and approved via the procedures of this ordinance, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

19.10.8 Revocation

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The approval of any Site Plan required by this Section shall remain valid for one (1) year after the date of approval, after which time the Site Plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this Ordinance, "actual construction" shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of building permits, letting of contracts, grading of property, or stockpiling of materials on the site shall not constitute actual construction.

If an approved Site Plan expires for any reason, any subsequent development or use of the property shall require a new Site Plan Review application.

19.10.9 Appeals

Any person or persons aggrieved by any decisions of the Plan Commission related to a site plan denial may appeal the Town Board, accompanied by an application form and filing fee. Such appeal shall be filed with the Town Clerk within 30 days after final Plan Commission action.

19.10.10 Enforcement - Town Attorney

Any owner that fails to file a Site Plan Review Application for a new or expanded structure, parking lot, or conversion of buildings to condominium ownership (based on 18.10.3 of this ordinance) will be in violation of this ordinance. The Zoning Administrator shall promptly report such violation to the Town Board, which has the option of instructing the Town Attorney to bring an action to enjoin the erection, enlargement, alteration, or conversion of a building to condominium ownership.

As a pre-requisite to enforcement action by the Town Attorney, the Zoning Administrator is authorized to issue a municipal summons to any party violating this ordinance specifying the date(s) of the violation, the nature of the violation, the code section violated, and the amount of forfeiture applicable and include in said summons a date and time at which such individual may appear before the Town Board to be heard. If the Town Board determines that violation is appropriate and the forfeiture is not paid within 20 days following said hearing, the Town Attorney then may proceed with further enforcement action in the Circuit Court for Shawano County.

19.10.11 Penalties

At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$50 nor more than \$500 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, may be imprisoned in the county jail of Shawano County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

Court action for injunctive relief and/or enforcement action to collect forfeitures may be brought by the Town Attorney in the Circuit Court or Small Claims Court, as applicable, for Shawano County, naming the Town as Plaintiff and the violator as Defendant, in

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addition and subsequent to summons issued by the Zoning Administrator and hearing before the Town Board.

19.10.12 Effective Date

This ordinance was created on August 2, 2011, which shall now be in force from and after its passage, approval, publication and recording according to law.

Adopted this 4th day of August, 2011.
Ayes: 5 Nays: 0

Drafted by:

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TOWN OF WESCOTT

/s// Mike Schuler
Mike Schuler, Town Chairperson

Attest:

/s// Karla Duchac
Karla Duchac, Town Clerk

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